



PATENT
Client-Matter No.: 68911-076

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Eric Kuhrts)
Serial No. 10/008,778)
Filed: November 13, 2001)
For: NOVEL ANTI-INFLAMMATORY)
CYCLOOXYGENASE INHIBITORS)

Confirmation No: 4731
Group Art Unit: 1616
Examiner: K. George

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RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the Restriction Requirement mailed March 13, 2003, consideration
of the following remarks is respectfully requested.

Regarding the Abandonment

Regarding the abandonment of the application, Applicant respectfully requests
revival of the application. Pursuant to 37 C.F.R. § 1.137(b), submitted herewith is the reply to
the Restriction Requirement mailed March 13, 2003. Also submitted herewith is a petition in
compliance with the requirements of 37 C.F.R. § 1.137(b). Applicant respectfully requests
revival of the unintentionally abandoned application. Applicant draws attention to the Interview
Summary mailed with the Notice of Abandonment dated November 28, 2003, and the discussion
between Examiner George and inventor Eric Kuhrts about reviving the abandoned application.

Regarding the Restriction Requirement

Claims 1-27 have been restricted under 35 U.S.C. § 121 into the following groups:

- Group I: Claims 1-12 and 18-21, directed to a pharmaceutical composition;
- Group II: Claims 13-17, directed to methods of treating osteoarthritis, etc.;
- Group III: Claims 22-26, directed to methods of producing an analgesic effect; and
- Group IV: Claim 27, directed to a method of producing a fast onset of pain relief.

The Examiner requests that one of the groups of claims be elected for examination. Although the restriction requirement is traversed for the reasons set forth below, Applicants elect the claims of Group II, claims 13-17, for examination.

The Restriction Requirement is traversed with respect to the division of the claims of Group II from the claims of Groups III and IV. While the claims of Groups II, III and IV are patentably distinct, it is submitted that a thorough search of the claims of Group II will likely reveal art relevant to the examination of the claims of the other groups. This is further indicated by the classification of the claims of Groups II, III and IV in the same class (class 514). A search of the claims of Group II will, of necessity, reveal information relevant to the examination of the claims of Groups III and IV and, therefore, division of the claims into these groups would result in duplicative searches. Therefore, examination of the claims of Group II with the claims of Groups III and IV together should not be an undue burden on the Examiner.

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Applicants elect the claims of Group II, claims 13-17, for examination. Furthermore, Applicants respectfully request that the Restriction Requirement be reconsidered and that the claims of Group II be examined with the claims of Groups III and IV. The Examiner is invited to call the undersigned agent if there are any questions.

Respectfully submitted,

Date: March 30, 2004



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